CRLA No. 141 of 2006
(Old No. 1869/88)

Hon. P.C. Pant, J.

None present for the appellant.

Mr. I.P. Kohli, Advocate is present for respondent No. 3 Pyarey Lal.

This is appeal against acquittal filed by the complainant against the judgment and order dated 19.04.1988, passed in criminal complaint case No. 1453 of 1986.

Brief facts, of the case, are that complainant / appellant N.R. Gera filed a criminal complaint in the year 1983 against the accused respondents Rashid, Meenu and Pyarey Lal alleging that the respondents have illegally occupied the garage belonging to the complainant situated at house No. 7, Ugrasen Road, Dehradun. It is further alleged in the complaint that on 22.07.1983, at 11:30 P.M., the accused persons demolished the wall of the complainant and caused damage valued Rs.4,000/-). The trial court while recording the acquittal of the accused respondents in the criminal complainant case No. 1453 of 1986 has observed that on 14.04.1988, the date fixed for evidence, complainant remained absent and did not adduce evidence. It is further observed by the trial court that for five years the criminal complaint was pending and in such circumstance the trial court found it to be a case of no evidence and acquitted the accused persons.

Complainant / appellant is absent even today.

Having heard learned counsel for the respondent No. 3 Pyarey Lal, and after going through the impugned judgment and order, this Court is of the view that the impugned order suffers from no illegality. The offence under Section 426 of I.P.C. is a compoundable offence, and in absence of the complainant, the court could have passed orders under Section 249 of Cr.P.C.

In the above circumstances, there is no force in this appeal. The same is liable to be dismissed. The appeal is dismissed, accordingly.

(P.C.P., J.)
07.03.2007

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